

REMARKS

Restriction has been required under 35 U.S.C. 121 and 372 between the inventions of Groups I and II.

Group I involves Claims 16-28 drawn to compositions.

Group II involves Claims 1-15, 29-31, drawn to methods of preventing or controlling bovine mastitis.

Applicant respectfully traverses this requirement for restriction. The Action contends that compositions anticipating the present claims are taught in the prior art and therefore the technical features linking the inventions of Group I and II lack novelty. The fact is that the claims of Group II are nowhere suggested in the Rees et al. disclosure. There is absolutely no basis for suggesting that bovine mastitis could be controlled by use of the presently-specified compositions used in the claims of Group II. Controlling bovine mastitis on tender tissue of a living animal is a far cry from killing microbes in water or on non-living surfaces.

Nevertheless, to be fully responsive, Applicant provisionally elects with traverse the invention of Group II (Claims 1-15 and 29-31) drawn to a method of preventing or controlling bovine mastitis.

The Action further requires election as to whether the compositions comprised of (i), (ii), or (iii) and specify species components as outlined under the elected composition of either Claim 1 or Claim 16. Applicant understands from MPEP, Section 1850 that under the PCT unity of invention has to be considered in the first place only in relation to the independent claims in an international application and not the dependent claims. As the MPEP states "If the independent claims avoid the prior art and satisfy the requirement of unity of invention, no problem of lack of unity arises in respect of any claims that depend on the independent claims. In particular, it does not matter if a dependent claim itself contains a further invention. Equally, no problem arises in the case of a

genus/species situation where the genus claim avoids the prior art.” Accordingly, it is felt that the requirement for election of species is not supported by the MPEP nor any presently-cited authority.

However, to the extent the requirement made in the Office Action is understood, Applicant provisionally elects the species of (ii), which is composition B) utilized in the method of Claim 1. The single disclosed 1,3-dihalo-5,5-dialkylhydantion species elected is that of Claim 15, *viz*, 1,3-dibromo-5,5-dimethylhydantoin. This election is also made with traverse, at least to the extent it requires a single species. Applicant should at least be accorded the courtesy of being able to prosecute in this application claims directed to 1,3-dibromo-5,5-dialkylhydantoins rather than a single solitary compound.

Further and favorable action is solicited.

If any matters remain that require further consideration, the Examiner is requested to telephone the undersigned at the number given below so that such matters may be discussed, and if possible, promptly resolved.

Please continue to address all correspondence in this Application to the undersigned at the above address.

Respectfully submitted,

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